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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,722	12/02/2004	John Chung Lee	17127	9890
23676	7590	12/12/2006	EXAMINER	
SHELDON MAK ROSE & ANDERSON PC			LY, CHEYNE D	
225 SOUTH LAKE AVENUE			ART UNIT	
9TH FLOOR			PAPER NUMBER	
PASADENA, CA 91101			2168	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/516,722	LEE, JOHN CHUNG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cheyne D. Ly	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on September 28, 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 7-19 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The instant Office Action is responsive to the Applicant amendment filed September 28, 2006. The rejections are newly applied; therefore, said Office Action is NON-FINAL.
2. The addition of claims 14-19 has been entered.
3. Claims 3 and 7-19 are examined on the merits.

### **OBJECTIONS**

4. Applicant is advised that should claim 12 be found allowable, claim 13 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### **Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3 and 7-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Regarding claim 3, line 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

8. Claim 3 recites the limitation "the queried criteria" in line 7. There is insufficient antecedent basis for this limitation in the claim. The same issue is present in claims 12 and 13. Claims 7-11 and 14-19 are rejected for being dependent from claim 3, 12, or 13.

**CLAIM REJECTIONS - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 3 and 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrero (US 20020078007) in view of Borland, R. (1997) (Borland hereafter).

12. It is noted the Borland reference in its entirety is prior art. However, only the pertinent portion of the 605 page reference has been provided with the instant Action.

## **MOTIVATION TO COMBINE**

13. Herrero describes an improvement in a task management program to address the limitations present in the existing calendar programs (page 1, [0004] to [0008]). While, Borland describes an easy to use program, Microsoft Outlook 97, that “enables you to efficiently manage the details of your work life and personal life...Outlook comes with...customization options that allow you to set up an environment that encourages your highest level of productivity” (page xxii, Introduction section). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Borland to customize the task management program of Herrero to encourage the highest level of productivity.

## **PRIOR ART**

14. In regard to claim 3, Herrero describes a method to organize and track information such as things to-do (page 3, lines 1-8), comprising the steps of:
- Inputting information into appropriate fields in a plurality of records in a database, wherein each of the records comprises follow-up date information, priority information (page 5, [0055], especially, “priority menu”), and a unique task number (page 6, [0067] to [0068]);
- Querying the database based on a desired field (claim 26, especially, “comparison generates a match...”
- Retrieving the records with fields that match the queried criteria (claim 26, especially, “comparison generates a match...”

15. However, Herrero does not describe the limitation of “sorting the retrieved records...” and presenting the sorted records for viewing; wherein a person may make efficient critical decisions based on the information presented.
16. Borland describes an easy to use customization option for sorting at least four selected fields from the available fields such as all task fields (pages 469-477) and presenting the sorted records for viewing (pages 501-504, especially “Sort” button). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the method of Borland to sort the data described by Herrero in the order of the follow-up date, priority, and task number to encourage the highest level of productivity.
17. In regard to claim 7, Herrero describes one of the plurality of records is deleted (page 4, [0050], especially, “deleting the task from the database”), the task numbers of the remaining records are not renumbered. It is noted that the limitation of “remaining records are not renumbered” does not produce any unexpected results beyond the mere deleting the record from the database. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the method of Borland with the deleting described by Herrero to encourage the highest level of productivity.
18. In regard to claim 8, Herrero describes when a new record is added to the database, the new record is assigned the next available task number (page 6, [0068], especially, “a user adds a new task...Each entry on the task list includes a number or ID field...”). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the

invention was made to use the method of Borland and Herrero to encourage the highest level of productivity.

19. In regard to claims 9-11, Herrero in view of Borland describes the queried criteria comprises a date earlier than the current date, between two specified dates, and a persons name (page 373, Figure 13-1, especially, "From" window for a person's name, and the two time windows for the specifying the range of dates. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the method of Borland and Herrero to encourage the highest level of productivity.
20. In regard to claims 12-19, Herrero in view of Borland renders the claims obvious over the above cited prior art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the method of Borland and Herrero to encourage the highest level of productivity.

### **CONCLUSION**

21. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been



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corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

22. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716.

The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly  
Patent Examiner  
12/8/06

